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EXAMINER
COLIN, CARL G

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2136	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 December 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   In response to communications filed on 12/17/2007, Applicant amends claims 1 and 6-12

and cancels claim 5. The following claims 1-4 and 6-12 are presented for examination.

1.1   In response to communications filed on 12/17/2007, Applicant's remarks, pages, 7-8,

with respect to the rejection of claims 1-12 have been fully considered but they are not fully

persuasive as amended. Regarding claim 1, Examiner disagrees with applicant's remarks that

claim 1 recites the steps the transmitting and checking during programming. Transmitting an

instruction file does not inherently mean programming. Also the checking in column 7, lines 26-

38 as disclosed by Danner is used before execution. Upon further consideration, the claims are

now rejected in view of previously cited US Patent 6,476,833 to Moshfeghi. The rejection of

claims 1-4 and 6-12 is set forth below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

     (a) A patent may not be obtained though the invention is not identically disclosed or

described as set forth in section 102 of this title, if the differences between the subject matter

sought to be patented and the prior art are such that the subject matter as a whole would have

been obvious at the time the invention was made to a person having ordinary skill in the art to

which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

    Claims 1-4 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,952,800 to **Danner et al** in view of US Patent 6,476,833 to **Moshfeghi**.

    As per claim 1, Danner et al substantially discloses a method for using a data processing system as a function of an authorization in Internet telephony, the method comprising the steps of: defining a basic control level relating to execution of specific instructions using a data processing system 10 for at least one basic user of the data processing system, the specific instructions being received in an Internet Markup Language (XML) and parsed using a parser (see column 7, lines 10-22) that meets the recitation of *defining a basic authorization level relating to execution of specific instructions using the data processing system for at least one basic user of the data processing system, the specific instructions being received in an Internet Markup Language (XML) and parsed using a parser.* **Danner et al** discloses defining a user-specific level as a next level (priority authorization level), permitting execution of subscriber-specific control parameters overlying the basic control level for at least one specific subscriber of the data processing system (see column 5, lines 54-55 and column 7, lines 22-38) that meets the recitation of *defining a priority authorization level, which permits execution of instructions with wider ranging access rights in comparison to the instructions of the basic authorization level, for at least one priority user of the data processing system.* **Danner et al** discloses *noting at least one of the instructions and a syntax of the instructions for the basic authorization level in a basic file section* (see column 8, lines 62-65 and fig.

4A); *noting at least one of the instructions and a syntax of the instructions for the priority*

authorization level in a priority file section (see column 8, line 65 through column 9, line 5 and fig.

4B); As interpreted by Examiner, **Danner et al** further discloses determining the authorization

level (control information from the parsed XML control documents defining the authorization

levels) before executing the application operations (see column 7, lines 39-65 see also column 7,

lines 10-38) that meets the recitation of *determining the authorization level of a user before the*

execution of the instructions of the user; and further discloses the execution of the application

operations is based on basic control level or user-specific level (see column 7, lines 39-65) that

meets the recitation of *using one of the basic file section and the priority file section, as a function of*

the authorization level determined, to define the instructions which the user can execute. **Danner et**

al further discloses *transmitting, by a user, an instruction file with instructions to the data processing*

system for determining the authorization level (see column 6, lines 46-64); *checking the instructions*

contained in the instruction file as a function of the authorization level using one of the basic file

section and the priority file section (see column 7, lines 54 through column 7, line 5 and column 7,

lines 26-36); (see also column 8, lines 29-41). **Danner et al** suggests enabling applications to be

easily modified (see column 5, lines 21-25) and storing the instruction file for a later execution (see

column 7, lines 26-36) but does not explicitly disclose storing the instruction file for a later execution

if it contains only instructions which are valid for the authorization level which is determined.

Moshfeghi in an analogous art teaches filtering methods for markup language such as HTML

and XML, wherein users can access and update limited resources based on their profiles and

access rights (see summary of invention, column 2, line 55 through column 4, line 32).

Moshfeghi discloses storing user profile records, the profile records defining an authorization

level relating to each user's execution of specific instructions; for instance, access control information

includes user's authority to update various types of data stored in the system, in other words updating

(storing) instructions that are permitted based on user's authorization (see column 7, lines 50-67 and

column 8, lines 27-34). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the teaching of **Moshfeghi** to store the instruction file

for a later execution if it contains only instructions which are valid for the authorization level which is

determined as taught by **Moshfeghi** to provide more control of user's access rights as suggested

by **Moshfeghi** (column 3, line 20 through column 4, line 32).

   As per claim 11, Danner et al discloses a system comprising a server that inherently has

processor and memory that meets the recitation of parts for performing the steps disclosed in

claim 11. As interpreted by Examiner the functions in claim 11 are intended use and they may

not be given any patentable weight. The steps disclosed in claim 11 are the same as claim 1 and

claim 11 is also rejected on the same rationale as the rejection of claim 1 above.

   As per claim 12, claim 12 recites the same limitation as in the rejection of claim 1 except

for implementing the claimed method into a program. Therefore, claim 12 is rejected on the

same rationale as the rejection of claim 1 above.

   As per claim 2, Danner et al discloses storing the basic file section in a basic file

and storing the preferred section in a priority file which differs from the basic file (see

column 8, lines 62-67).

As per claim 3, as interpreted by Examiner, **Danner et al** discloses some text elements in figs. 4A and 4B that do not themselves define a program which can be executed by a processor that meets the recitation of *wherein at least one of the basic file section and the priority file section does not itself define a program or program section, which can be executed by a processor* (see figures 28 and 29).

As per claim 4, Danner et al discloses a basic authorization level and one user-specific attributes in the user-specific authorization level not including in the basic authorization level that meets the recitation of defining the instructions of the basic authorization level and at least one of an additional instruction and an expanded syntax in comparison with the syntax of the basic authorization level for the priority authorization level (column 7, lines 22-38).

As per claim 6, as interpreted by Examiner, **Danner et al** discloses determining the authorization level (control information from the parsed XML control documents defining the authorization levels) before executing the application operations (see column 7, lines 39-65 see also column 7, lines 10-38) that meets the recitation of *determining the authorization level of a user before the processing of the instruction file*; and further discloses the execution of the application operations is based on basic control level or user-specific level (see column 7, lines 39-65) that meets the recitation of *using one of the basic file section and the priority file section, as a function of the authorization level for the processing of the instruction file.*

As per claim 7, Danner et al discloses wherein *the basic file section and the priority file section contain at least one of the instructions and a syntax of the instructions of a markup language, which is used to described contents of character chains, the markup language being selected from the group consisting of SGML, XML, HTML 4.0, and a markup language based on one of these languages such that the instruction file contains instructions in the markup language* (see figs. 4A and 4B).

As per claim 8, Danner et al discloses wherein *the basic file section in the priority file section define at least one of instructions and a syntax of the instructions for controlling a voice transmission via at least one of a circuit-switched telephone network and a packet-switched data transmission network, the syntax of instructions of a language selected from a group consisting of CPL and a language based on CPL* (voice application using XML) *such that the instruction filed defines instructions for controlling the voice transmission* (see for example, column 7, lines 31-65).

As per claims 9-10, Danner et al discloses the limitation of *wherein, for processing the instruction file, a same parser program is used for decomposing the instruction file into individual instructions and wherein a same application program is used for executing the instructions, irrespective of the authorization level* (see column 7, lines 10-48).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-form 892.

3.1   Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL COLIN whose telephone number is (571)272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl_Colin/
Examiner, Art Unit 2136
March 14, 2008